CGHC010388562023 2026:CGHC:47347

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1950 of 2023

1 - Smt. Salita Bai Dhruv Wife of Late Rajkumar Dhruv, Aged About 25 Years Resident of Durga Chowk Ward No.07, Banroud, Police Station Keregaon, Sub Tahsil Kukrel, Tahsil Nagari, District - Dhamtari, Chhattisgarh. (Claimants).

2 - Brijlal Dhruv Wife of Jodhiram, Aged About 51 Years Resident of Durga Chowk Ward No.07, Banroud, Police Station Keregaon, Sub Tahsil Kukrel, Tahsil Nagari, District - Dhamtari, Chhattisgarh.

3 - Pancho Bai Wife of Brijal Dhruv, Aged About 48 Years Resident of Durga Chowk Ward No.07, Banroud, Police Station Keregaon, Sub Tahsil Kukrel, Tahsil Nagari, District - Dhamtari, Chhattisgarh. **... Appellants**

versus

1 - Jitendra Lahare Son of Lakhan Lal Lahare, resident of Churiyara Para Nagari, Tahsil Nagari, District - Dhamtari, Chhattisgarh. (Driver-Cum-Owner of Offending Vehicle Registration No. CG-05/S-5411).

2 - Branch Manager, Tata Aig General Insurance Company, Branch Office, First Floor 106-07, Walford Ozon Bilaspur Road, Near Fafadih Chowk, Raipur, Tahsil and District - Raipur, Chhattisgarh. (Insurer of Offending Vehicle Registration No. CG-05/S-5411). **... Respondents**

For the appellants	**:**	Mr. Anil Gulati, Advocate
For respondent no.2	**:**	Mr. Saurabh Gupta, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

(Oral Order)

17.11.2026

1. This appeal under Section 173 of Motor Vehicles Act, 1988 (for short "MV Act") has been filed seeking enhancement of compensation, challenging

the impugned award dated 01.09.2023 passed by the Additional Motor Accident Claims Tribunal (FTC), Dhamtari (Chhattisgarh) in Claim Case No. 158 of 2021 whereby a total compensation of Rs.16,08,200/- has been granted.

2. As per the facts pleaded in claim application filed under Section 166 of the MV Act, deceased Rajkumar Dhruv sustained grievous head injury in an accident took place on 28.12.2020 due to rash and negligent driving of respondent no.1 who drove the offending Motorcycle (Hero HF Delux) No. C.G. 05-AJ/9168 and hit the deceased's motorcycle from behind. The deceased was admitted in different hospitals and eventually he succumbed to the injuries during treatment in DKS Hospital Raipur. Appellant No.1 is the widow, and appellants 2 & 3 are parents of the deceased. They being legal heirs have filed claim application u/s 166 of the M.V. Act, seeking a total compensation of Rs. 41,50,000/-.

3. Learned counsel for the appellants submits that the income taken by the Tribunal is on lower side and the amounts granted under the other conventional heads are also meagre, thereby, just compensation has not been awarded. He prays that the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

4. Learned counsel for respondent no.2/Insurer submits that the Tribunal has granted adequate compensation and the impugned award needs no interference.

5. I have heard learned counsel for the parties, considered their rival submissions and perused the record with utmost circumspection.

6. The claimants pleaded that the deceased was earning Rs.500/- per day by doing the job of Head-mason. However, the Tribunal took the income of deceased as Rs. 8000/- per month, which seems to be on lower side. In absence of any cogent reliable evidence regarding the nature of job and income of deceased and looking to the prevalent market rates, it would be

appropriate to take his monthly income to be Rs.8,960/- treating him as unskilled labour as per the the Chhattisgarh Minimum Wages applicable at the time of accident occurred on 28.12.2020.

7. Since the age of deceased was found to be 28 years and there are 3 dependents, following the case-law laid down by Supreme Court, the Tribunal has rightly added 40% future prospectus, deducted 1/3 towards personal expenses and applied multiplier 17 which cannot be said to be unsustainable.

8. Under the other conventional heads, the Tribunal has granted Rs.15,000/- for funeral expenses whereas no sum has been granted for loss of estate.

9. As regards loss of consortium, Rs.40,000/- has been granted to the wife and Rs.15,000/- each to the mother and father which seem to be on lower side. There are 3 claimants in this case. Under motor accident compensation law, each of the three claimants—the spouse, mother, and father—is separately entitled to Rs. 44,000/-, bringing the total award under the head of loss of consortium to Rs. 1,32,000/-.

10. Thus, in the light of the aforesaid discussion and in view of the decisions of the Supreme Court rendered in *National Insurance Company Ltd. Versus Pranay Sethi (2017) 16 SCC 680*; *Sarla Verma Vs. Delhi Transport Corporation (2009) 6 SCC 121* and *Magma General Insurance Co. Ltd. Versus Nanu Ram @ Chuhru Ram (2018) 18 SCC 130* , this Court is computing the compensation as below :

Sl.No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1.	Total loss of dependency	**15,23,200/-**	**Rs.8,960** X **12** = **1,07,520** plus Future Prospectus- **40%** i.e., **43,008** = **1,50,528** minus **1/3rd** deduction of personal expenses

			i.e., **50,176** = **1,00,352** x **17** multiplier = **17,05,984/-**
2.	Loss of estate	---	**16,500/-**
3.	Funeral expenses	**15,000/-**	**16,500/-**
4.	Loss of consortium	(40,000 + 30,000) **70,000/-**	(44,000 x 3 Claimants) **1,32,000/-**
	Total Rs.	**16,08,200/-**	**18,70,984/-**

11. In view of the aforesaid analysis, the amount of compensation of Rs. 16,08,200/- awarded by the Claims Tribunal is enhanced to Rs. 18,70,984/-. Hence, after deducting the amount of Rs.16,08,200/- the appellants are held entitled for an additional sum of **Rs. 2,62,784/-.** The additional amount of compensation shall carry interest @ 6% per annum from the date of filing claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

12. Accordingly, this appeal is **allowed in part** and the impugned award is modified to the extent as indicated hereinabove.

Sd/-

Sanjay Kumar Jaiswal
Judge

Rao

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